

Counsel for Defendant Z Resorts Management, LLC, Lee Mays, and Derek Criddle:

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2. List the cases related to this one that are pending in any state or federal court with the case number and court.

ANSWER: Cause No. 2017-04585; *Rodriguez v. Hotel Zaza Houston and Z Resorts Management, LLC*; In the 150th District Court of Harris County. This case was removed from the stated state court case; the plaintiff has a motion to remand, which is still pending before this court.

3. Specify the allegation of federal jurisdiction.

ANSWER: This Court has jurisdiction of this case pursuant to 28 U.S.C. Sections 1331 and 1343(3).

Defendants accepts the Court's Jurisdiction as proper for 1983 actions and that the court has supplemental jurisdiction for the state law claims.

4. Name the parties who disagree and the reasons.

ANSWER: Plaintiffs have moved to amend their pleading and filed a motion to remand.

- 5. List anticipated additional parties that should be included, when they can be added, and by whom they are wanted.**

ANSWER: None at this time.

- 6. List anticipated interventions.**

ANSWER: No interventions are anticipated.

- 7. Describe class-action issues.**

ANSWER: The parties are not aware of any class action issues at this time.

None.

- 8. State whether each party represents that it has made the initial disclosures required by Rule 26(a). If not, describe the arrangements that have been made to complete the disclosures.**

ANSWER: The parties agree to complete initial disclosures within 30 days of the Scheduling Conference.

- 9. Describe the proposed agreed discovery plan, including:**

A. Responses to all the matters raised in Rule 26(f).

ANSWER: The parties agree to complete initial disclosures within 30 days of the Scheduling Conference.

B. When and to whom the plaintiff anticipates it may send interrogatories.

ANSWER: Plaintiff will send interrogatories to all defendants.

C. When and to whom the defendant anticipates it may send interrogatories.

ANSWER: Defendant Z Resorts Management, LLC served interrogatories on Plaintiff in the state court proceeding. Remaining defendants anticipate sending interrogatories to Plaintiff within the discovery period set by the Court.

D. Of whom and by when the plaintiff anticipates taking oral depositions.

ANSWER: Plaintiff anticipates taking oral depositions of Officer Duvall, Lee Mays, Derek Criddle, and Terrance Phelps. Plaintiff also intends to depose any fact witnesses and experts designated by Defendants.

E. Of whom and by when the defendant anticipates taking oral depositions.

ANSWER: Defendant Z Resorts Management, LLC took the deposition of Plaintiff in the state court proceeding before the other defendants were added to the case. Defendant, Officer Duvall, anticipates taking the deposition of Plaintiff. All defendants anticipate taking the depositions of any fact and expert witnesses designated by the parties by the end of the discovery period.

F. When the plaintiff (or party with the burden of proof on an issue) will be able designate experts and provide the reports required by Rule 26(a)(2)(B), and when opposing party will be able to designate responsive experts and provide their reports.

ANSWER: Plaintiff will designate experts within the period allowed by the Court, and provide a report that time; Plaintiff anticipates being able to designate experts on or before December 15, 2018.

Defendants will designate experts thirty days after Plaintiff's designation.

G. List expert depositions the plaintiff (or the party with the burden of proof on an issue) anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

ANSWER: Plaintiff anticipates taking the deposition of all experts designated by Defendants within the discovery period set by the Court.

H. List expert depositions the opposing party anticipates taking and their anticipated completion date. See Rule 26(a)(2)(B) (expert report).

ANSWER: Defendants intends to depose experts designated by Plaintiff by the end of the discovery period.

11. If the parties are not agreed on a part of the discovery plan, describe the separate views and proposals of each party.

ANSWER: The parties are agreed.

12. Specify the discovery beyond initial disclosures that has been undertaken to date.

ANSWER: No discovery has been undertaken to date.

13. State the date the planned discovery can reasonably be completed.

ANSWER: The parties believe that discovery can be completed by February 15, 2019.

- 14. Describe the possibilities for a prompt settlement or resolution of the case that were discussed in the Rule 26(f) meeting.**

ANSWER: Plaintiff is willing to discuss possible settlement or resolution of this matter but prefers to do so after initial disclosures have been made.

Defendants believe that discovery will have to occur before meaningful communication about settlement can occur.

- 15. Describe what each party has done or agreed to do to bring about a prompt resolution of this dispute.**

ANSWER: Plaintiff agrees to consider the facts as they develop to determine the appropriate manner of disposition of the case.

Defendants are not opposed to discussing resolution after discovery has revealed relevant evidence.

- 16. From the attorneys' discussion with the client, state the alternative dispute resolution techniques that are reasonably suitable, and state when such a technique may be effectively used in this case.**

ANSWER: The parties agree that mediation would be appropriate in this matter.

- 17. Magistrate judges may now hear jury and non-jury trials. Indicate the parties' joint position on a trial before a magistrate judge.**

ANSWER: The parties do not consent to trial before a Magistrate.

- 18. State whether a jury demand has been made and if it was made on time.**

ANSWER: A timely jury demand has been made in this case.

- 19. Specify the number of hours it will take to present the evidence in this case.**

ANSWER: The parties anticipate 40 hours.

- 20. List pending motions that could be ruled on at the initial pretrial and scheduling conference.**

ANSWER: The plaintiff has opposed motions to amend and for remand for the court's consideration. Officer Duvall has filed a Motion to Dismiss in this case.

- 21. List other pending motions.**

ANSWER: None.

- 22. Indicate other matters peculiar to this case, including discovery, that deserve the special attention of the Court at the conference.**

ANSWER: There are no matters peculiar to this case to which the Court should devote special attention at the Conference.

- 23. Certify that all parties have filed Disclosure of Interested Parties as directed in the Order for Conference and Disclosure of Interested Parties, listing the date of filing for original and any amendments.**

ANSWER: Z Resorts Management, LLC and Lee Mays filed their Certificate of Interested Parties on March 13, 2018. Derek Criddle filed his Certificate of Interested Parties on March 16, 2018. Plaintiff Carlos Rodriguez filed his Certificate of Interested Parties on June 27th, 2018. Officer Duvall filed his Certificate of Interested Parties on March 8, 2018.

- 24. List the names, bar numbers, addresses, and telephone numbers of all counsel.**

ANSWER:

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Dated this 27th day of June, 2018.

Respectfully submitted,
/s/ S. Reed Morgan
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CERTIFICATE OF SERVICE

The undersigned attorney certifies that a true and correct copy of the above and foregoing document has been forwarded to all counsel of record as listed below by e-filing, hand delivery, by certified mail, return receipt requested, and/or by facsimile transmission, on this the 27th day of June, 2018.

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Respectfully submitted,

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